

University at Buffalo School of Law

## Digital Commons @ University at Buffalo School of Law

---

The Opinion Newspaper

The Opinion

---

10-9-1973

### The Opinion Volume 14 Number 2 – October 9, 1973

The Opinion

Follow this and additional works at: [https://digitalcommons.law.buffalo.edu/the\\_opinion](https://digitalcommons.law.buffalo.edu/the_opinion)



Part of the [Higher Education Commons](#), and the [Legal History Commons](#)

---

#### Recommended Citation

The Opinion, "The Opinion Volume 14 Number 2 – October 9, 1973" (1973). *The Opinion Newspaper*. 63.  
[https://digitalcommons.law.buffalo.edu/the\\_opinion/63](https://digitalcommons.law.buffalo.edu/the_opinion/63)

This Newspaper is brought to you for free and open access by the The Opinion at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in The Opinion Newspaper by an authorized administrator of Digital Commons @ University at Buffalo School of Law. For more information, please contact [lawscholar@buffalo.edu](mailto:lawscholar@buffalo.edu).



## Text Prices Soar

by Ray Bowie

The prices of law texts edged upwards again this fall in the 1973 survey shows only six second consecutive investigations of text prices conducted by the supplements, being sold for under \$15.00, the remainder ranging from \$15.50 to several prices at \$22.00. Last year, moreover, the same text had cost in 1972.

In February of 1972 when *Opinion* (Vol. 12, No. 7) published its first investigation of book prices, the cost of the average text was computed at \$15.00, an increase of about \$2 above the 1969 average price. As the increase reported last year was only two dollars over a three year period, the \$1 increase discovered this year indicates an escalation of the price spiral, such that the average text is now more likely to cost between \$16.00 and \$17.00.

First-year students interviewed were inclined to blame the bookstore or the FSA for the increases, but upperclass people testified that text prices were determined by extraneous factors such as the publishers' need to produce more expensive new editions to keep pace with changing decisions, the virtual monopoly on the law text market held by a relatively few publishers, and the particular choice of texts by the faculty.

The O'Brian bookstore, operated by the Faculty-Student Association and managed by Mary Lou Palesh, sells texts at the publisher's list price, entitling the bookstore to a 20% mark-up on most. Out of the mark-up, said Ms. Palesh, must come all of the bookstore's operating expenses, including the shipment costs involved in obtaining books from the publishers and returning unsold volumes.

Aware that students often suspect college bookstores of profiteering, Ms. Palesh stated that publishers' catalogs of list prices were available in the bookstore, adding that she "would be more than happy to

show students the list prices."

In comparison with the 1972 average text price of \$15.00, the 1973 survey shows only six textbooks, as opposed to of text prices conducted by the supplements, being sold for under \$15.00, the remainder ranging from \$15.50 to several prices at \$22.00. Last year, moreover, the same text had cost in 1972.

As comparable courses were not in some instances offered during the 1972 *Opinion* survey, it is difficult to assess the reason behind this increase in the maximum text costs but bookstore sources indicate that there has been a substantial hike this year in the prices of new editions in the more specialized course areas and that this hike has been aggravated by faculty selecting the most expensive books available in such specialized areas.

"Most text prices have not gone up for the same edition," explained Ms. Palesh, "but when it's a new edition, the price increase is substantially more than one dollar." Citing the publishing firm of Little, Brown, & Co. as an example, she noted that Foote's *Family Law* had cost \$14.00 in 1971, \$15.00 in 1972, and now \$16.00 this year, while the 4th edition of Bittker's *Federal Income and Gift Tax* costs \$4.00 more than last year's 3rd edition. "The new editions," the bookstore manager concluded, "are killing us."

Foundation Press, whose 5th edition of Maguire's *Evidence* cost \$13.50 in 1972, will be charging \$19.50 for the new 6th edition this year, for a \$6.00 increase in the same text. The same firm's new edition of Field & Kaplan's *Civil Procedure* is list priced at \$17.00, whereas the previous edition sold for \$15.00. (to page 3)

## Moot Court Starts Desmond Contest

by Lance Mark

the school, so look for them.

Judge Matthew Jasen of the New York State Court of Appeals

The Moot Court Board is in the midst of making preparations for the annual Charles S. Desmond Moot Court Competition which will be held from November 27 to December 1 this semester. Each year candidates for the Moot Court Board are selected on the basis of their performances in the Desmond Competition. This intramural event is open to all first and second-year law students not presently on the Board. (Consideration is being given for the first time to holding a separate competition for third-year students). The Desmond participants must prepare a brief and present oral arguments in an appellate court room setting. Distinguished members of the local Bar and Bench will judge the competition, including the Hon. Charles S. Desmond, former Chief Judge of the New York Court of Appeals, sitting as the Chief Justice for the final round.



The Honorable Matthew Jasen  
Senior Associate Judge  
New York Court of Appeals

In conjunction with this competition, the Moot Court Board will conduct a Moot Court Seminar, which will consist of a group of sessions to acquaint students with the fundamentals of legal research and brief writing, and how to present oral arguments. Notices for these sessions will be posted throughout

was the first speaker in this series, on October 5. After an introduction by Provost Schwartz, Judge Jasen spoke on oral appellate advocacy before a group of interested first and second year students.

This year's problem will involve an appeal to the United States Supreme Court by writ of

certiorari concerning the right of an individual to establish a church in which narcotic and hallucinogenic drugs are used as part of the religious rituals and ceremonies.

The Moot Court Board will also be sending a three-person team to this year's National Competition which is being hosted by the Yale Law School. The team representing UB Law School will be arguing against eleven other schools in our region which includes New England and upstate New York. Winners of the regional matches will go on to the finals in New York City where Justice Thurgood Marshall will preside.

The problem will be ready for distribution on October 11 in the Moot Court Room, along with some introductory materials on the art of appellate advocacy to aid participants in preparing for the competition.

This year's members of the Moot Court Board are: Lance Mark, Chairperson; Timothy Toohey, Vice-Chairperson; Joseph Burden, James DeVoy, Michael Dunlavey, Benjamin Idziak, Peter Jasen, Cyrus Kloner, Kay Latona, John Mendenhall, Martin Miller, Thomas Mullaney, Thomas Quinn, and Gary Schmitt.

## SBA/FSRB Elections Set

by Skip Hunter

Student Bar Association elections will be held on Monday and Tuesday, October 15 and 16 at John Lord O'Brian Hall. Six representative positions on the SBA Board of Directors for first year students only will be vigorously sought after along with three student positions on the all important Faculty Student Relations Board. All members of the student body are eligible to run for FSRB representative.

The Student Bar Association of the State University of New York at Buffalo School of Law is organized to promote the general welfare of the Law School, to cultivate social acquaintances and cooperation among the students and the faculty, to promote and protect the rights and interests of the students in matters involving those rights and interests, to secure the association and good-will of the members of the legal profession and to coordinate all student activities.

The SBA Board of Directors is the governing body of the organization. It consists of six

directors from each class. The Board is the representative student governing body of the Law School and has precedence over all other recognized and duly approved student organizations and activities.

The duties of the entire membership of the SBA are to legislate, establish policy, and make rules and regulations on extra-curricular activity on and off campus.

The Faculty Student Relations Board consists of four students and three faculty members. The purposes of the Board are to foster a critical understanding and an ever improving rapport amongst the members of the Faculty of Law and Jurisprudence, and to implement under its powers all programs granted to it that substantively affect both students and faculty.

The Board hears all grievances concerning the entire spectrum of school life from whatever source and takes prompt and appropriate action in relief of same. The FSRB shall investigate research

and make recommendations on any phase or problem of school life providing this function is not being performed by another committee. The Board considers and proposes recommendations for the number of students and Faculty and manner and extent of selection and participation of students for attendance at the Faculty meetings and participation in Faculty-Student Committees. And the Board shall conduct course and teacher evaluations.

It is the responsibility of the Student members of the FSRB to periodically report to the student body on its activities, to solicit and present student opinions and to make a monthly report to the Board of Directors of the SBA in person.

The positions to be filled by election on the SBA and FSRB are indeed positions of great responsibility and high importance. Support your candidate and by all means VOTE.

# Editorial

## The Judiciary...

*OPINION* has seldom endorsed political candidates. However, this fall there is a contest which is of paramount importance to lawyers and prospective lawyers, that of Chief Judge of the New York Court of Appeals. The choice is clear. We endorse the Republican-Liberal candidate, Judge Charles D. Breitel.

We agree with the *Buffalo Evening News* that Judge Breitel is "easily one of the ablest jurists to sit on the Court of Appeals in recent years." His intellectual ability is undisputed. One need only read a sampling of his many thoroughly insightful and lucid opinions for that ability to be obvious. His twenty-three years experience on the bench, his administrative skills developed as chief counsel to Governor Thomas Dewey, and his selection to the Council of the American Law Institute reinforce this theme of excellence.

Moreover, Judge Breitel has adamantly refused to be "sold like soap" to the voters of New York State, preferring to depend on his reputation as a thoughtful and keen-minded judge, truly a judge's judge.

His opponent, on the other hand, in defeating the capable Judge Weinstein in the Democratic primary has made himself known to the public only through a lavish media campaign. Contrary to his advertisements labeling him "Chief" Fuchsberg, never once has he sat on the bench.

Breitel's record of performance has earned him a rating of "well-qualified" by the major Bar Associations of New York State. His intellectual ability and his personal integrity make him eminently qualified for one of the most important judicial offices in the nation.

## And the Legislature

The race in the 10th District for the position of Erie County Legislator also calls for an endorsement which we enthusiastically give to Susan Lubick. Ms. Lubick, a former student at this law school, is a bright and articulate candidate who has devoted much thought and effort in preparing herself to meet the crucial issues of life in Erie County today. She stands squarely behind full participation by all County residents in the advantages offered them by the City of Buffalo, and will work for their financial support for institutions and services utilized by them. For example, parks, Memorial Auditorium and cultural institutions within the City which are presently funded either wholly or by a disproportionately large amount by the City are used by all Erie County residents on a regular basis and cry out for full and fair support from the County at large. Ms. Lubick will endeavor to stop the rip-off heretofore perpetrated on the City by suburban residents, who need the advantages offered by the City but have not been willing to share in the cost of these advantages.

Ms. Lubick is well-prepared for this job. She has added a great deal of technical expertise to her natural concern for the County. She is a highly competent individual, as well, and is prepared to spend full time working for the citizens of Erie County's 10th Legislative District.

If you are a voter in the County's 10th District, be sure to cast your ballot for Susan Lubick on November 6. If you aren't, remind your friends who are.

## Recycle This Issue

*OPINION* joins with the SBA and the undergraduate Student Association in asking you to utilize the green receptacles marked "Paper for Recycling" to deposit only paper. Please do not deposit thumbtacks, cigarette butts and other such paraphernalia in them. As future lawyers who will be using paper by the ton, we can begin now to form habits which will benefit the whole of society.

Volume 14, Number 2  
October 9, 1973

## Opinion

Editors-in-Chief Kay Latona, John Levi

Assistant Editor - Vacant

Managing Editor - Vacant

Business Manager - Vacant

Photography Editor - Chris J. Belling

Alumni Editor - Earl F. Carrel

Articles Editor - Skip Hunter

Features Editor - Kay Wigitil

Sports Editor - Skip Hunter

Staff - Ray Bowie, Frank Buffomante, Jim Burgo, Buffy Burke, Skip Conover, Julio Fuentes, Chris Greene, Peter Jasen, Tom Lincoln, Lance Mark, Marty Miller, Bortcha Motcha, Gary Muldoon, Peggy Rabkin, Dave Stever.

*OPINION* is published every third week, except for vacations, during the academic year. It is the student newspaper of the State University of New York at Buffalo School of Law, John Lord O'Brien Hall, SUNY/B North Campus, Buffalo, New York 14260. The views expressed in this paper are not necessarily those of the Editorial Board or Staff of *OPINION*. *OPINION* is a non-profit organization. Third Class postage entered at Buffalo, New York.

*OPINION* is funded by SBA from Law Student Fees.



## President's Corner

by Marty Miller



June is a long way off; for most third year students the thought of facing the impending bar examination is but a distant unpleasantness. But one is often reminded of summer's approach, even before the winter's first snow, by the multitude of prospective employers whose names appear posted on the placement board. For many of us it is round one of life's battle, and for others, maybe round five or six.

Rumor has it that it is difficult, no, it's impossible to find the "perfect" job, be it a clerking position or a full-time position after graduation. There is probably considerable truth to that rumor, but that's no reason to give up even before the race begins. In the past we have had a placement service which was quite marginal, one which had little hope of improving. We were the poor relative, sharing our placement officer with the people on Main Campus. He was an individual who worked through the University Placement Office and occasionally (on a somewhat regular basis) sojourned to the eleventh floor of Prudential.

You may be wondering how all this has changed. Announcements still bear the legend "see Peggy," and one wonders if Peggy is really our placement officer who simply masquerades as Dean Mix's assistant. While not wishing to completely quell that rumor let us simply say that if Peggy is our placement director, then her tenure in that role is only temporary. The 1973-74 Law School budget has a provision for the hiring of a placement director, who in addition to that responsibility, shall assist with the development of our clinical programs. Hopefully that slot will soon be occupied by a capable, industrious individual. Hopefully that job designation will be altered so that our placement director will be able to devote all his energies to that position. Those of you who are interested in assisting with the development of our placement service are encouraged to contact me at your earliest convenience. There are a number of additional openings for student participation on the Law School Placement Committee. Your contribution, no matter how small, is welcome.

## Capote Opens Studio Arena

Miss Wisteria is a midget. She used to be Shirley Temple's stand-in. She made one thousand dollars a day, but she returned to the traveling show because it was the only place she belonged. In the traveling show she is Miss Wisteria. She has a name. She is unique. Unique, quite unlike her homophone, the widget. The widget as we all know, is the Great Fungible's greatest fungible. It is the universal item of trade. There are thousands of them, millions, all alike.

Miss Wisteria was quite entertaining. So was *Other Voices, Other Rooms*, Truman Capote's new play, of which she is a part. It is about uniqueness. It is unique in itself. The main reason it is

unique is that it is very strange. Miss Wisteria is the last straw. By the time she rolls around, you have been zapped with so much strangeness, you know it can't get worse (or better). But it does. Out pops Miss Wisteria; and that's it, terminal weirdness.

Every character in the play is a lost soul, each hiding in his or her own safe harbor, like it or not. Safe, able to handle those other voices, other rooms outside. (Truman worked the title in about that clumsily).

Our thirteen year old hero, Joel, finally pulls out when he realizes his own uniqueness. He knows that he is he, and I am me, and we are we, and we are all together and that he can do whatever he pleases, follow his

heart, and let the chips fall where they may. Therefore, he knows that it is cool to chuck it all and run upstairs into the arms of the middle-aged transvestite who has managed to prevent his return to New Orleans. Sure.

All very odd. But laced throughout is humor that keeps the characters human and the play from being ponderous.

It is a good production. The staging was excellent and the acting was outstanding. Particularly good was Lynne Thigpen, who was captivating as Zoo or Missouri Fever, if you will.

*Other Voices, Other Rooms*, scheduled to run through October 21, is the Studio Arena's first play of the new season and a world premiere. If it is any indication of things to come, then prospects look good. The Studio Arena has definitely improved in its caliber of productions and promises to continue that way with its November production of Tennessee Williams' *A Streetcar Named Desire*, with Jon Voight of *Midnight Cowboy* and Deliverance fame playing Stanley Kowalski. Student tickets are available for all productions.

*Other Voices, Other Rooms* is not the kind of play that leaves you shouting for more. But it is interesting, stimulates plenty of thought about Truman Capote's head, and is well worth seeing.

## Letter to the Editor

Letter to the Editor:

We are concerned with the reactions of the women who attended the dinner at Dean Mix's last week. The impression generated seems to be that women law students are expected to devote much of their "spare" time and energy to the various organizations that exist in the school and community. While we believe it beneficial to be involved, we think it ought to be stressed that it takes time to adapt

to the law school environment. It is important as first year students to acclimate yourselves to the demands of law school before deciding how much time you can afford and want to devote to outside activities.

Anyone interested in discussing these problems or wanting to talk, come to the Women's office in 509 Thursday, October 18, at 1:00 and we'll try to be helpful.

Eileen Greenbaum  
Sally Fox



## The Gadfly

by Ray Bowie

Imperial Byzantium, which has lent its name as a synonym for political intrigue, had absolutely nothing on Buffalo, New York, whose political structure, one would believe from perusing the local media, is replete with an empire, an emperor, a palace guard, and the occasional poisoning or stabbing death of a former palace favorite.

The empire is that of Joseph Crangle, Erie County and State Democratic Party chairman, and the political system over which he reigns is known among political cognoscenti as "The Crangle Strangle," a party organization so successful as to be virtually identical with local government. The opposition, a feckless underground movement, is rumored to be the Republican Party, an elsewhere virulent political heresy that Boss Crangle has virtually managed to extirpate within his realm.

While often coming out second best state-wide against the Rockefeller machine headquartered in Albany, the Boss has successfully transformed the City of Buffalo, alias the "Armpit of the East," into a Democratic preserve, a one-party state

wherein the trumpeting of the Republican elephant has been drowned by the Bray of the Jackass triumphant. Secure in City Hall, Democratic Mayor Stanley Makowski is reportedly not going to the bother of an election campaign, while on the legislative side, the deliberations of the Common Council have been replaced by the deliberations of the Democratic caucus, whose decisions are then translated into votes.

Boss Crangle has indeed succeeded where the Democratic Party has met failure: in preventing the disintegration of the Rooseveltian coalition. The traditional special interest groups welded into that coalition are all well represented in the Buffalo area, and the Boss, even though an establishment pol himself, has managed to adopt a sufficiently "progressive" image for his machine to prevent large-scale defections from increasingly restive sections of those interest groups. The ethnic vote is still Crangle's, despite the swing toward Nixon last year and despite national Democratic stances that have penalized ethnic constituencies. The Democrats

have a virtual monopoly on the black vote in Buffalo, while the local AFL-CIO unions function as little more than an adjunct to the Party each election campaign.

The success of that electoral coalition bespeaks itself in the very fact that the Democrats have a current 13 to 2 majority on the Common Council, complete control of City Agencies, and now even threaten to consolidate further gains in the County Legislature, formerly a Republican redoubt.

Within the City, the Democrats have had mastery for so long that they have refined political arrogance to a science, the practice of which usually involves meeting the interruptions of Republican councilmen Charles Volkert and Alfreda Slominski with icy stares and haughty silence. Asicy stares take effort, the Dems are hoping to conserve their supply after November by the simple expedient of unseating Republican Volkert, thereby isolating the outspoken Mrs. Slominski even further.

Stanley Makowski, who succeeded the scandal-ravaged administration of Frank Sedita after the latter stepped down

suddenly due to "health reasons," feels so confident of election that he has yet to open a campaign, pretends not to have heard of Republican challenger Stew Levy, and is even rumored to have cast an absentee ballot, perhaps after having written in Joe Crangle's name.

On the County level, the Republican organization is, unlike its ineffectual City counterpart, at least putting up a fight to regain control of the Erie County Legislature, on which the Democrats now hold a two-vote majority. Even so, the effort is strictly uphill against the Crangle juggernaut, with strong challenges posed Republican incumbents by liberal Democrats such as Susan Lubick, whose campaign has thus far made the area's sherry-sipping circuits with great fanfare about "social concern."

The Erie County Republican Party facing this onslaught was the subject of a recent analysis by *Courier-Express* political columnist Ray Herman, in which the chronic ills of that Party were diagnosed as weak organization, divided leadership, and incapacity to exploit issues. The latter is a particular deficiency, for

Republican strategists have been known to dodge issues in preference for the strategy Nixon adopted toward McGovern last year: ignore the Democratic challenge and let it campaign itself to oblivion. Unfortunately, the right analog for the Erie County Republicans is not Nixon vs. McGovern, but rather Dewey vs. Truman, in which contest the above strategy came to ruin.

What issues do exist, and the number multiplies with each daily newspaper, cannot be exploited by the Democrats, for such issues run the gamut from no-show scandals, political judgeships, and suppressed public studies to the usual nepotism of City Hall politics, all trademarks of the Crangle machine. The Democrats do not worry about issues, however, for they simply do not need them.

## Textbooks

cont'd. from page 1

Publishing houses justify the increased prices on new editions by citing the heavy expenses they entail in hiring consultants to conduct the revisions, but the bookstore management expresses mystification at the extent of some of the increases.

First-year students, unaccustomed to such high book prices, seem particularly annoyed with the text prices in some of their courses. One such student, who had been assigned to section 4 of Criminal Law, complained that his instructor had required \$28.00 in texts and supplements, when other Criminal Law sections got by under \$22.00.

Other first-year students noted that Civil Procedure courses, traditionally among the expensive in text costs, were requiring purchases of over \$25.00 in books this year.

Upperclasspeople singled out Philosophy of Law — texts for which cost \$35.45 making it the most expensive course — and Federal Taxation, where book expenses of \$31.50 ran a close second, as courses in which "such high-priced texts are not necessary for the subject matter," in the words of one third-year student who would like to graduate. In the Philosophy of Law course, one thin volume of 600 pages, Friedman's *Legal Theory* was selling for \$15.00, while in other courses individual texts such as *Criminal Justice Administration*, *Federal Courts and System*, and *Federal Courts* cost \$22.00 each.

Veterans of the text purchasing ordeal note that there is little the Law School can do to affect rising publishers' list prices but that some improvement has been made locally in that faculty are exercising care in the selection of books. In Constitutional Law, for instance, the second course is retaining the same text students had to purchase for the first

1. Philosophy of Law (Franklin)	
Jurisprudence . . . . .	\$17.50
Legal Theory . . . . .	\$15.00
Philosophy of Law . . . . .	\$ 2.95
Total . . . . .	\$35.45
2. Federal Taxation (DeCotto & Joyce)	
Text . . . . .	\$19.00
Tax Regs . . . . .	\$12.50
Total . . . . .	\$31.50
3. Criminal Law (Katz)	
Text . . . . .	\$6.00
HLA Hart . . . . .	\$ 1.45
Puritans . . . . .	\$ 5.25
Penal Law . . . . .	\$5.25
Total . . . . .	\$27.95
4. Civil Procedure (Homburger)	
Text . . . . .	\$17.00
CPLR . . . . .	\$ 5.00
Supplement . . . . .	\$ 4.50
Total . . . . .	\$26.50
5. Civil Procedure (other sections)	
Text . . . . .	\$17.00
CPLR . . . . .	\$ 5.00
Fed Rules of Civil Pro . . . . .	\$ 3.75
Total . . . . .	\$25.75

course, while instructors in other courses are increasingly being credited for continuing with the same books, thus making used texts possible to sell and cheaper to buy.

In other courses, however, problems allegedly remain. Different professors teach Contracts each semester, and each is said to want different texts. In Evidence, only two books are used, either Maguire or Louiselle, but instructors alternate in teaching the course and hence the book alternates from year to year. And upperclasspeople recount instances in which professors have required the purchase of texts only to make them optional later in the course.

The bookstore continues to buy used texts, provided the same edition has been re-ordered, with the price offered depending upon the resale condition of the book up to 50% of the list price. The Student Bar Association has, moreover, reportedly considered operating a student-run book exchange.

## Mann Discusses Tapes Issue

by Ray Bowie

Speaking last week before an audience of approximately seventy people attending the first Distinguished Visitors' Forum of the year, Constitutional Law Professor Howard Mann contradicted the common belief that the Watergate tapes cases posed constitutional questions rather than procedural issues.

"The issue in the two cases being adjudicated is not what the President's power is," argued Mr. Mann in presenting his thesis. "The issue, rather, is whether there is sufficient evidence to justify court jurisdiction over the President." Mann's contention was based on the supposition that "it is not the function of the courts to determine the measure of governmental authority" shared by the President and Congress, but rather to decide

whether the Watergate Grand Jury or the Select Committee on Presidential Campaign Activities has sufficient prima facie evidence to justify the courts' aiding them in obtaining the controversial tapes.

Prof. Mann said that he "totally rejects" the President's claim of executive privilege as "an insulation" against Congress or the courts, terming the claim a "notion of kingship." On the other hand, he asserted that the Senate Select Committee had "very little" standing to sue in the matter, as its function is limited to investigation for the purpose of future legislation. The Watergate Grand Jury, which does have authority to request the tapes for discovery proceedings, offered a weak case, Mann feels, when Archibald Cox made Nixon the defendant instead of presidential counsels, who could have been

jailed until the President surrendered the tapes.

Observing that the presumption is always for the President when he is the defendant in a proceeding, Mann concluded that the courts had reached a dilemma in being asked to subpoena the tapes while the President's attorneys are arguing that there is insufficient evidence offered to prove that the tapes are needed by the Grand Jury for either indictments or fairness for the defendants.

Noting that courts will not undertake cases for discovery unless there is sufficient prima facie evidence of what facts there are to be discovered, Prof. Mann predicted that the Supreme Court will find itself in a position where the Grand Jury's case is "too good to throw out yet not good enough to proceed with," since the prima facie evidence on the contents of the tapes is so very limited.



## THE TOP FIVE

All other courses require under \$22.00 in text expenses, although there are very few under the \$20.00-\$22.00 bracket. For a four-course load, a student can expect to spend from a minimum of over \$80.00 to a maximum of almost \$112.00 for books alone.

As compared to 1972's highest priced courses, Federal Taxation has moved to the second spot from the third, while the costs for Civil Procedure, second most expensive in 1972 with over

\$30.00 of books required, have actually declined over a year.

Of particular interest to first-year students, three of their required courses are now among the school's top five most expensive, with Criminal Law making the list for the first time.

Another point of interest is that whereas a third-year student could purchase texts for five courses last year for \$107.00, texts for four courses this fall could cost up to \$112.00.



## Court of Appeals Race



Judge Charles D. Breitell

## Trial Lawyer Seeks Bench

Jacob Fuchsberg, Democratic candidate for Chief Judge of the State Court of Appeals, has been conducting a heavily-financed media campaign since winning the June Democratic primary to convince voters that the Chief Judge should assume an activist role in "shaking up" the state court system, in modernizing court procedures, and in making legal services more available to the public.

Fuchsberg, who upset federal District Court Judge Weinstein to win what he calls the first independent nomination without organized party support for such a major state office, has attacked the state court system for allowing judicial goldbricking, obsolete case procedures, and political deals in the selection of judges.

The Democratic candidate has pictured himself as the underdog in an uphill fight against Republican opponent Charles Breitell, who he claims engineered the rejection of the Fuchsberg candidacy by the New York State

Bar Association. Breitell, Fuchsberg also charges, has dodged issues throughout the campaign, while Fuchsberg has advanced more than 20 "specific proposals to improve our courts," including calls for increased judicial review of lower court decisions, more computerization in administering court calendars, automatic review of sentences, and government-subsidized legal insurance for those who might desire it.

Fuchsberg, who founded the Trial Lawyers Association of America and boasts an extensive list of publications, has replied to charges that he has tried to "buy" the election through lavish media spending by alleging that his campaign spending "is not an issue at all," adding that he must spend heavily to compensate for his lack of support from the legal "establishment," which he accuses of having made a "cult" of the profession. He points out that the State Trial Lawyers Association has designated him "forceful, dynamic, well-learned," and that

as Chief Judge he would have an advantage over Breitell, whom he has accused of insulting trial lawyers, in being better able to deal with such attorneys.

Again attacking the judicial establishment, which he described as "a small group of establishment lawyers representing Wall St. institutions," Fuchsberg, who has himself never previously sat as a judge, pledged to travel around the state if elected "to observe firsthand the quality and efficiency of the administration of justice," so as to insure a more visible Chief Judge and a more accountable judiciary.

"The Chief Judge must observe the procedure in the judge's courtroom firsthand, without notice," he has said. "This is the only way the Chief Judge can secure the complete picture to enable him to decide upon and institute the necessary administrative, procedural, or personnel changes needed to insure the highest standards of justice."

## Breitell Relies on Record

Charles D. Breitell, Senior Associate Judge of the New York Court of Appeals, is the Republican-Liberal nominee for the office of Chief Judge of the Court of Appeals. A Columbia Law graduate in 1932, Judge Breitell practiced privately until 1935, when he entered public service. After working on the Thomas E. Dewey Special Rackets Investigation in New York County, he became Assistant Chief of the Indictment Bureau, rising to Chief in 1941. Breitell then served as counsel to Governor Dewey from 1943 to 1950 with broad responsibility for a wide range of legislation and coordination of executive agencies.

In 1950, he was appointed by Governor Dewey to the Supreme Court, a position he held until joining the First Department of the Appellate Division from 1952-56. Judge Breitell has been a Justice of the Court of Appeals since 1967.

In addition to service to the State of New York, Judge Breitell has served as a member of President Johnson's "Crime Commission," the Federal Commission on International Rules of Judicial Procedure, the A.L.I. Advisory Committee on a Model Penal Code, and is presently a member of the A.L.I.'s Select Council, the Institute of Judicial Administration, and the Board of Governors of the American Jewish Committee.

Of the position he seeks, Judge Breitell says, "The Chief Judge is the leader of the State's judicial system. Though he may not lead by fiat, he can lead by persuasion, wisdom of judgment, courage and by forcefulness of personality, together with the readiness to accept the burden of leadership."

Judge Breitell has attempted to maintain an atmosphere of dignity in the campaign for Chief Judge. He has consistently addressed the issues, and has resisted seeking contributions from private

individuals. In spite of his reserve, Judge Breitell has been the subject of both vilification from his enemies and glorification from his allies. His opponent, whose campaign expenditures far outstrip Breitell's, has attacked Breitell's supporters as partisan "Wall Street lawyers" whose political machinations were responsible for the decision of the State Bar Association, which rated Breitell "well qualified" and his opponent "unqualified."

Judge Breitell has been endorsed by most of the large state newspapers, including the *New York Times*, the *Buffalo Evening News*, and the *New York Law Journal*. As the only candidate with judicial experience, he is seemingly the overwhelming choice for the post; whether his credentials will mean more to the voters than his opponent's advertising and long trial experience will be seen on Election Day.



Jacob Fuchsberg

## Law Women Hold Dinner Meeting

by Buffy Burke

The Association of Women Law Students held an organizational meeting cum potluck dinner at the home of Dr. Marjorie Mix, Assistant Dean of the Law School, on September 24. Professors Marjorie Girth and Janet Harring attended along with approximately fifty women law students. After everyone had sampled the savory thirty-odd culinary delights available, the following announcements of interest were made:

The Association of Women Law Students office is located in Room 509.

The purpose of the association is to promote the welfare of women in law schools, here and elsewhere.

Other women's groups in Buffalo include: the National Organization for Women (NOW), the Women's Political Caucus, the YWCA's Women's Resource Center, and the Women's Center on Linwood and Franklin.

To date, only one woman has been a member of the Moot Court Board: third-year student Kay Latona. All women students were urged to be present when this year's Desmond Moot Court Competition problem will be given out on October 11. Participants have one month and four days to prepare their briefs. First-year students are always among the participants, and also among those chosen as Moot Court Board candidates. Jan Morelli, second-year

student, will pick up all mail for the Association.

The next meeting will be at Sue Gardner's, 89 Middlesex Road, Buffalo, on Wednesday, October 24.

On October 22, 1973, the Fourth Department Appellate Division will sit in the Carlos C. Alden Moot Court Room at John Lord O'Brien Hall to hear regularly scheduled appeals. This is the first time that the Court has ever sat at any law school. Penny Wolfgang, attorney in charge of Buffalo's Legal Aid Appellate Division, will argue two cases that day. Women law students were urged to attend.

Funds for the Women Law Students Association come from the SBA.

## Buffalo Legislation . .

Buffalo Legislation Project has named Jim Clute as Director, Skip Conover as Managing Director, and Larry Candee, Tom Bailey, and Jim Devoy as Associate Directors.

The Project has received five specific projects to date, and is anxious to hear from students who are interested in serving as team leaders or researchers for any of these projects. Work on projects will provide students an opportunity to work directly with legislators and their staffs.

The following are the projects currently available:

1. **PORNOGRAPHY STATUTE** — A legislative committee desires to introduce a

statute which will conform to the guidelines set down in recent Supreme Court decisions. The committee is particularly interested in a statutory definition of hard-core pornography and guidelines for the seizure of pornographic materials.

2. **SENTENCING REVIEW BOARD** — A legislative committee is interested in establishing a board which would modify the excesses in sentencing and establish guidelines for sentencing policy throughout the state.

3. **CONFLICTS OF INTEREST IN CRIMINAL JUSTICE** — A committee seeks to

# SBA Selects Committees

by Ray Bowie

Debate has erupted recently within the SBA Board of Directors in the aftermath of President Marty Miller's presentation to the Directors of a new SBA committee structure which he said the Student Bar Association needs in order to meet particular needs of the student body.

Directors, presently representing only the junior and senior classes, seemed to agree with the SBA President that the new committee structure was desirable, but debated whether the committee memberships should include as many executive officers as Mr. Miller had indicated he thought necessary.

Defending executive participations in the committees against charges that his plan would lead to the "over-representation" of a few individuals, President Miller contended that "there is certain knowledge that only executive

officers could provide the committees" and noted that, under his plan, those officers never had a controlling vote on any of the committees.

Several Directors, alleging that there was still a preponderance of executive officers in the committee structure, attacked specific provisions that made executive participation necessary for a committee quorum, and accused Miller of having reneged on a past pledge to decentralize the SBA structure. Amendments were offered and carried, limiting the extent of executive participation in the committees and deleting the controversial quorum provision.

President Miller's committee proposals, only the first three of which were discussed at the first meeting due to the length of debate, entail nine SBA committees, designated Appointments, Budget, Academic Policy, Social, Summer Jobs, Elections, Law Day, Graduation, and Orientation. In Miller's

opinion, "the most important of the committees are Appointments and Budget. 'as the Appointments Committee will be charged with selecting the student representatives to the faculty committees while the Budget Committee will be responsible for determining SBA budgetary allocations. The only other committee considered thus far by the Delegates, Academic Policy, is designed to parallel the faculty APPC and work directly with that committee's student representatives in a "strictly advisory" capacity.

The remaining seven committees would be assigned the specific functions indicated by their names, with membership consisting of one representative from each class except in the cases of Graduation and Orientation, which would be directorates of the graduating class and upperclassmen respectively.

Discussion of the remaining seven was tabled when Directors questioned the necessity of an

SBA Academic Policy Committee which seemed to them duplicative of the student representatives on the APPC; President Miller will invite the APPC representatives to testify on the proposal at the next SBA meeting. The sentiment of the Delegates appeared to be that if the APPC representatives were accountable to the SBA, a separate SBA committee for academic policy would be superfluous.

Assignments to the two approved committees, Appointments and Budget, were

decided by lottery, as the names of those Directors present at the meeting were drawn at random and matched with committee vacancies. Members of the Appointments Committee: Marty Miller, Buffy Burke, Chris Greene, and Jim McLeod, all members of the Executive Board; and Bob Gottfried and Les Sconiers. Gottfried is the sole second year student. Members of the Budget Committee are: Hugh Scott (on the Executive Board), Skip Hunter, Laura Zeisal, and Don Lohr. Lohr and Zeisal are second year students.

## First Faculty Meeting Includes Students

On September 19, 1973, the first faculty meeting of the academic year was held in the Faculty Lounge. Eileen Greenbaum and Peggy Rabkin were present to provide the faculty with student opinion.

Among the items on the agenda was a report on the progress of the appointments committee. The Faculty of Law & Jurisprudence will be increasing by five new members each year for the next five years. In addition to full-time teaching staff, the Appointments Committee will also search for two people capable of part-time teaching and part-time administration. One will

be a placement officer and the other an admissions director. It was pointed out that appointments should be made within the affirmative action guidelines for recruitment of minority and female personnel. The possibility of employing upperclass students to assist in the teaching of small first-year electives was also discussed.

Professor Milton Kaplan moved to extend the clerkship-for-credit program for one year. For the coming year there will be up to ten students with no more than two students assigned to any faculty advisor. Mr. Kaplan's motion was conditioned upon

better faculty supervision of the program. It was passed by a vote of 22-1.

The state of the new building was also discussed. The administration is working to obtain a student rathskeller to be located in the basement. This rathskeller will provide both a food service and a central large area large enough for the entire study body to meet, party, or lounge. A beer license for this lounge is also being sought.

Here is the current list of student members of faculty committees:

**Admissions Committee:** Thomas Bailey, Kay Latona, Michael Sherwood

**Mitchell Lecture/Distinguished Speakers Forum** Thomas Bailey, Linda Connor Kane (ex officio)

**Appointments Committee:** Marylou Clark, Nathaniel Wong

**Placement Committee:** Thomas Mullaney, Thomas Reeve, Richard Schisler

**Budget and Program Review Committee:** Susan Bring, Martin Miller

**Faculty/Student Relations Board:** David Hampton

**Research and Special Programs Committee:** John S. Levi

**Minority Students Program:** Melvin Baker, Alvin Brown

**Student Representatives to Faculty Meetings:** Regina Felton, Eileen Greenbaum, Peggy Rabkin

## Ex-Student Seeks Local Office

Susan Lubick, who was a student at SUNYAB Law School in 1971 and 1972, is the Democratic-Liberal candidate for Erie County Legislator in the 10th District. The 10th District lies entirely within the City of Buffalo and is bounded roughly by Kenmore Avenue on the north, Bailey Avenue on the east, North Street on the south, and Richmond, Elmwood and Norwalk on the west.

Ms. Lubick was born in 1937 and, in addition to her two semesters at the Law School, was educated in the Buffalo public schools (No. 66 and Bennett High School) and received her B.S. from Cornell University. She formerly taught in the Buffalo public schools and Calasactius School. She is married to Donald Lubick, a Buffalo tax attorney, and has three children - aged 12, 10 and 9.

Ms. Lubick has been active in civic affairs, especially in the field of education, an area in which she studied legal aspects at the Law School. She is a member of the School-Community Advisory Committee of the City of Buffalo, a citizens' group organized to advise the City's Education Department. She organized and headed a committee formed to study innovative programs of education elsewhere to see what contributions could be made to upgrade education in Buffalo. She performed similar responsibilities for another civic group, the

Consortium on Quality Education.

As an officer of School 64 P.T.A., where her children attended, she organized a pilot program of parent volunteers to upgrade the quality of education in local schools. Her group of about 15 parents engaged in tutoring and enrichment programs at the school in reading, math, French, Spanish, art, music and creative writing. She also performed the research and engineering a proposal for individualization of instruction at School 64 as a model for Buffalo public schools.

Her principal objective as a County Legislator would be to end the general feeling that the city is an entity apart from the county. In order to improve the quality of life in the city, she seeks greater county participation in city life.

For example, Ms. Lubick points out that large city parks such as Delaware, Grover Cleveland, Schiller, and Cazenovia, are extensively used by suburban county residents. In the case of Grover Cleveland, the use by suburban residents is probably as high as 80%. Yet city taxpayers through their dollars finance this use entirely. At the same time, city residents support about one-third of the county tax base and these dollars are used to support parks and residential facilities outside the city. Were the county to take over the

financing of in-city recreational facilities, cultural institutions, Memorial Auditorium and maintenance and improvement of arterial streets and highways used by suburban residents to travel to and from work, city taxpayers would still be paying their fair share since they are county taxpayers.

In addition to securing a fairer share for the city of the county tax dollars Ms. Lubick is seeking the creation of a full-time consumer protection agency with legal powers to enforce consumer rights. Such an agency should be empowered to license home improvement, television and automobile repairmen, to institute unit pricing and to employ experts to represent consumers at utility rate hearings to protect them against unwarranted increases.

Ms. Lubick is seeking to be a full-time Legislator without participating in any other gainful activity. She wishes to devote her entire time to improving quality of public service and not to use the legislative job as a stepping stone for other political office. She has organized a large corps of experts in various areas from the community, including professors and students from SUNYAB. It is her hope that this organization of community experts can be continued after the election to act as a citizens' lobby and research team to upgrade the quality of local government.

## Brandeis v. U.S.

"Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. . . In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." Louis Brandeis, dissenting, *Olmstead v. U.S.*, 277 U.S. 438, 48 S. Ct. 564, 72 L. Ed. 944 (1928).

## Project Commences

make explicit what sort of personal, professional, or commercial involvement would vitiate a criminal prosecution.

**4. FIFTH AMENDMENT FOR PUBLIC OFFICIALS** - The State Constitution provides that public officials refusing to answer questions about their official conduct must be removed from public office. The U.S. Supreme Court has impliedly declared this provision violative of the Fifth Amendment of the Federal Constitution. A committee desires to amend the Public Officers Law to conform to the Supreme Court guidelines, while still providing a

mechanism for removing such officers.

**5. DISCRIMINATION BASED ON HANDICAP** - A legislative committee wishes to rework proposals establishing the illegality of discrimination on the basis of handicap.

More detailed descriptions of the projects are available. Other committees have expressed interest in BLP and will be submitting written requests in the coming weeks. Any student interested in participating in any of these projects is encouraged to contact one of the directors, or visit the Project office at Room 505.



## Turn of the Screw

by Ian DeWaal

*Turn of the Screw* was initiated last year to provide a channel for communication between the Law School administration and law students. Information concerning deadlines, application procedures for various things, requests for student input and general announcements that facilitate one's existence at this school, will again be made available.

For the first time in a number of years, a complete listing of Law School policies and regulations concerning academics, registration, financial aid, organization of the administration hierarchy, student activities and other information is available in the form of a student handbook. Many students apparently did not receive a copy of this book during orientation. Extra copies are available in the Registrar's office or in 309. Everyone is urged to pick up a copy as Registrar Charles Wallin has indicated that all students will be held responsible for the information contained in the handbook. Also, those who have already picked up

a copy should pick up a new table of contents with page numbers in 306 on the class handout desk.

Several areas of the school have been designated as information points where daily information is posted on bulletin boards. Student mail, ride notices and personal messages should be posted inside the first floor student lounge. Class assignments are currently found on the second floor bulletin board. However, if in the near future these listings disappear, they will have been relocated to the first floor cylindrical bulletin board in the Moot Court lobby. Class schedule changes and official law school notices are posted on the third floor circular bulletin board, while Placement opportunities and financial aid information share the board outside the mail room on the same floor. Next to the Registrar's office is a portable bulletin board where Student Bar Association notices can be found.

Students should check all these boards regularly as they are the official day to day information distribution points.

The Fourth Appellate Division of the New York Supreme Court, normally seated in Rochester will travel to the Moot Courtroom on October 22 to hear cases. The

judges of the Fourth Appellate Division have consented to this unique appearance at a law school because of this Faculty's position as the only state-supported law school in New York.

After the cases have been heard, the judges will meet with students in the afternoon to discuss the decisions. Assistant Dean Marjorie Mix emphasized that this is an unusual experience both for the Court and for the school and hopes that students will sacrifice their holiday to participate in this unique session.

For those interested in cards, both ID and class registration cards are now available at the Registrar's office. Everyone should pick up their class cards as soon as possible to check for errors to avoid problems during exam time.

Students with Work-Study grants who have not yet been placed should see me in 309 O'Brien Hall immediately. The Financial Aid Office will begin reassigning the grants in the very near future. Also, if anyone has other financial aid problems I am available on Monday from 11:00 to 1:00; Tuesday 11:30 to 3:30 and Thursday 1:00 to 4:00.

Jaekle Abrams scholarships have been awarded. Applications

for the scholarships were taken through the summer after notices were posted last May 17. The Decisions were based on an indexed comparison between financial need, outstanding educational indebtedness and scholarship. The recipients are: Barbara Barth; Ronnie Edelman; Eileen Greenbaum; James Hodge; Paul Litwak; Ed Manso; Tom Mullaney; David Picker; Joel Pock; Linda Tadsen and Laura Zeisel.

No classes may be added after October 4. Classes may be dropped up until two weeks before the final exam.

The Law School will begin publishing a weekly newsletter next week which will appear on Tuesdays. Edited by Marilla McCarthy in 317, the Newsletter will basically be a calendar of events with news announcements and grant information. Information should be brought to 317 by Monday noon for each Tuesday's publication.

Final interviews are now being conducted for the new Placement Officer/Lecturer in Law. The position will include 1/3 teaching.

A calendar change proposal has been sent to the Academic Policy and Planning Committee by Alan

Ahart. One part of the proposal would move up Easter vacation for this year to coincide with the vacation of the rest of the University (March 16 through 23). The second proposal is more far-reaching as it concerns a major calendar revision for next year which would see school beginning in late August with finals before Christmas. A one week "rest" period between the end of classes and the beginning of exams would be included in the plan. Anyone interested in discussing this proposal should immediately contact the Student Bar Association.

The Mitchell Lecturer for this year will be Lawrence M. Friedman, Professor of Law at Stanford University. He has been described as a leading American legal historian. On October 16 at 4:00 Mr. Friedman will speak on "Toward a History of Justice in the Court Room."

Also, the first Mitchell Lecturer Fund Fellow has been chosen. Professor Robert Stevens of the Yale Law School will appear at the Speakers Hour on October 11 at 1:00. The topic of this legal historian will be "Everything You Wanted to Know About Law School But Were Afraid to Ask." Mr. Stevens will also participate in the conference on "Legal Services."

## Old Courses — New Classes

by Professor Robert Gordon

Last Spring the law school faculty adopted a proposal to revise the academic program for the first year. As one of those who participated in drafting the proposal, I have been asked to describe how it affects the current first year class. The short answer is: fewer requirements, more electives, more writing.

Torts and Contracts, which last year were six-hour, full-year courses, have been cut back to four hours in the Fall term only. This has opened up the Spring term to more elective possibilities. Thus Property will be the only course required of every first year student in the Spring.

A student will make up the rest of his or her Spring program by choosing: (1) Two courses from among the Large Electives; and (2) One course from the Small Writing Electives, all of which will be open only to first year students.

The Large Electives will be ordinary courses enrolling about 70 - 100 students each. As of now, it looks as if Large Electives will be offered in: Civil Procedure (b), Sales, Constitutional Law, Administrative Law, International Law, The Legal Process, and possibly also Labor Law. Some of these courses (indeed all in the above list except the course in the Legal Process) are offered to upperclasspeople as well as first year students, so that a first year student who misses one this Spring will have another chance next year or the year after that.

The proposal of Small Writing Electives (enrolling about 30-40 students each) resulted from a consensus among the faculty that students ought to start accumulating experience in legal writing as early during law study as possible. The idea is that each course will deal with some

specialized aspect of a field covered in one of the basic first year courses (Torts, Contracts, Procedure, Criminal Law, and Property), and explore some of the important problems in that field in depth. Students will be assigned projects of legal research and writing on those problems.

Not much more detail can be given about those courses just now, because for the most part they will be brand new courses, on whose design their future instructors are only now beginning to work. We do know, however, that each of the faculty members teaching a Small Elective will have the assistance of a third-year student who will be able to give help and counsel to students working on the writing projects.

One cautionary note about these Elective Spring courses, both large and small. It will obviously not be possible to make these courses fully elective, since each course will have to enroll about the same number of students. Procedures will be established whereby each student ought to be able to get first choice of one course and at worst third choice of the other two. (Even this happy system will fail if everyone chooses the same courses.) Halfway through the Fall, faculty members teaching the Spring courses will issue prospectuses detailing the content of the courses to assist rational choice.

The final effect of the revision was a requirement that some writing assignments be given in the Fall Term also. Precisely what form these will take is as yet undetermined. It is possible that the mini-courses of twenty students — whose function is presently — in the instructor's discretion — will be used to administer this requirement.

the

# Stuffed Mushroom

2580 Main St  
at Fillmore

presents  
the jazz sound  
of

## "thermopylae"

Sunday eves 5:30-9:30


Also  
Don't miss the Mushrooms

### Football Beer Blast

## 25¢ Drafts

plus 1/2 time specials

Sunday afternoon  
Monday night  
and all Bills games  
each week







*Chow-Down in the Halls of John Lord O'Brian*

## Sports

by Skip Hunter

As the Shysters opened their second decade of intramural football competition at UB last Thursday, September 27th, underdog Les Carnivores (the French Club) led into the halftime intermission and held on to win, 13-7.

When the "meat eaters" hard-driving fullback, Mel Diamond, dove two yards into the end zone late in the first half, it

marked the first time Les Carnivores' offense had produced a touchdown in the last three years of this one-sided rivalry.

The touchdown came shortly after Les Carnivores, for the second time, failed to score from the shadows of the billowing yellow goal posts. A fifth-and-goal play from the three, a pass from senior quarterback Ralph Stavitz to his favorite receiver, tight end Louis Liberti, just missed.

With 4:20 left in the first period, the Shysters' Rich Tobe punted out to the 31, and the scoring drive of the "prime rib gourmets" quickly took form.

Diamond picked up nine yards

around right end and Stavitz, a cool, talented 20 year old from Brooklyn, New York, passed to Liberti at the eight. On fourth down, Diamond drove the last two yards, untouched, over center for the score. Stavitz failed to convert the extra point.

Throughout the first half, Les Carnivores did most of the attacking. In fact, the Shysters' offense, no longer benefitting from the running of All-I.M. Doug Roberts (now retired from the ranks of I.M. sports to pursue a legal career) kept sputtering. Les Carnivores were on defense in their own territory only twice.

A couple of Brian Miga passes

moved the Shysters as far as the Carnivores' 42 late in the first half. With only 2:05 left in the half, Miga and halfbacks Bob Feldson and Harry Hersh moved in short gasps as far as the 37, before stalling.

But Miga regained his composure in the second half and started to throw the ball with authority. Miga brought the Shysters from their 20 to the 47 with the help of eight and ten yard passes to Brian O'Sullivan and Bob Doren and then completed a 53 yard TD bomb to Larry Taylor, the I.M. All-Star sprint champion. Then Taylor breezed into the end zone again

for the extra point behind the blocking of Anthony Bottar and Craig Hodge to put the Shysters in the lead by a score of 7-6.

It took the Shysters only 1:13 into the second half to bypass Les Carnivores.

But Les Carnivores fullback Diamond took a punt late in the second period on the goal line and rushed up the right sideline, finally being hauled down on the Shyster 18 by Jim August. A play later, Liberti ran a post pattern off right tackle for the victory. QB Stavitz ran into the end zone, unmolested, for the conversion. FINAL-LES CARNIVORES 13, SHYSTERS 7.

## School Hosts Conference

SUNY/B Law School will be the host to a conference on the delivery and distribution of legal services, on October 11 and 12. The conference is the result of efforts by Professor Philip R. Lochner, Jr., of the Law School, and Al Heibin, a third year student.

Featured at the conference will be the presentation of papers by leading legal and other scholars from Buffalo and elsewhere, followed by discussion by a panel of participants from various areas of legal studies.

After introductory remarks by Provost Richard Schwartz on Thursday evening, October 11, the following papers will be presented: "Legal Services for Persons of Moderate Income," by Ms. Barbara Curran of the American Bar Foundation; and "The Problem or Lack of Evaluative Standards in Legal Services," by Mr. Samuel J. Brakel, Project Director for the Judicare Study of the American Bar Foundation.

A day-long program of paper presentations is scheduled for Friday. Presentations in the morning include: "Lawyers for the Poor," by Professor Marjorie Girth of the Buffalo Law School; "The Failure of Legal Services," by Professor Harry P. Stumpf, of

the Department of Political Science at the University of New Mexico; and "The Distribution of No-Fee and Low-Fee Legal Services by Private Attorneys," by Professor Lochner.

After lunch, the following papers will be presented: "A Comparative Perspective on the Distribution and Delivery of Legal Services in the United States," by Mr. Barry Metzger of the International Legal Center in New York City; and "Representation as a Social Institution," by Professor Leon Mayhew, of the Department of Sociology at the University of California. Closing remarks will be made by Professor Marc Galanter, of Buffalo Law School.

Members of the panel which

will discuss the papers after each presentation are: Professor Robert W. Gordon, of Buffalo Law School; Professor Quinton Johnstone, of Yale Law School; Professor Al Katz, of Buffalo Law School; Mr. Benjamin Lerner, Chief of the Office of Criminal Law, Pennsylvania Department of Justice; Mr. Walter Probert, Program Director for Law and Social Sciences, National Science Foundation, Washington, D.C.; Provost Schwartz; Professor Robert B. Stevens, of Yale Law School; and Professor Preble Stoltz, of University of California Law School.

Faculty, students, and alumni are cordially invited to attend this provocative conference. All sessions will be held in the Carlos C. Alden Moot Court Room.

### "Law and Order"

"No well-ordered republic should ever cancel the crimes of its citizens by their merits; but, having established rewards for good actions and penalties for evil ones, and having rewarded a citizen for good conduct who afterwards commits a wrong, it should chastise him for that wrong without regard to his previous merits. And a state that properly observes this principle will long enjoy its liberty; but if it

does otherwise, it will speedily come to ruin. For if a citizen who has rendered some eminent service to the state should add to the reputation and influence which he has thereby acquired the confident audacity of being able to commit any wrong without fear of punishment, he will in a little while become so insolent and overbearing as to put an end to all power of the law."

— Niccolo Machiavelli

## Opinion Seeks Staff

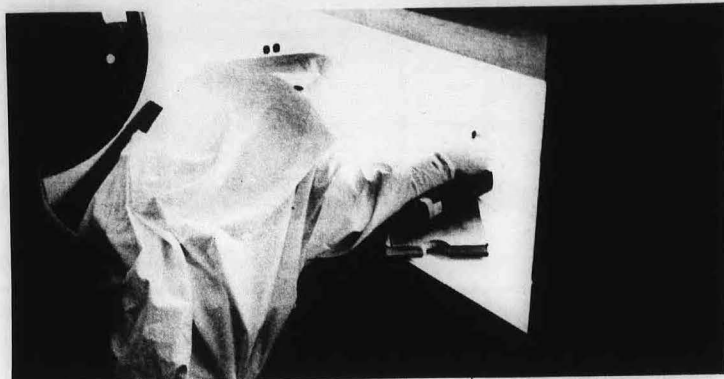
OPINION is looking for talented law students to revitalize our emaciated staff. We can use photographers, graphic designers, reviewers, writers, reporters, managers, business people, executives, interviewers, investigators. We need people to write columns, go to movies, make coffee, type, read copy, talk to the Administration and the faculty, and cover the scintillating glitter of law school life. We would especially like examples of excellence in student effort. Don't hide those H's in the drawer: get 'em published now, in OPINION. D's need not apply. We can't offer you three credits or a paying job later. But stop in and learn about our fabulous beyond-the-fringe benefits.



### Next Issue

Our foreign correspondent reports on the American Bar Association's annual meeting in Washington, D.C., this summer, and its Law Student counterpart; starring notables such as William Ruckelshaus, Ramsey Clark, Warren Burger, Hsing-Hsing (see picture), and a special appearance by the Brooding Presence.

Also, more law students report on their summer adventures; thoughts from the seminal minds of our faculty; and Mr. Motcha on clackboards and equal rights for the *New York Times*.



## Student Dies in Study Carrel

Tragedy struck last week in the newly completed John Lord O'Brien Hall. A first year law student, identified only as B. Motcha, was found dead in a study carrel in the new library of Buffalo Law School. The cause of death, according to County sources, was starvation; the time of demise was estimated as somewhere between Torts and Criminal Law.

A reconstruction of the tragic episode indicates that Motcha entered the fatal cubicle sometime after three PM in order to brush up on the perfect brief, which is the ultimate goal of all first year students. When six o'clock arrived, the student attempted to leave the carrel, only to find that the improperly constructed door refused to budge. Not deterred, Motcha shouted for help. But the student was at that point the only student left in the library.

After a sleepless night, Motcha, with renewed vigor, resumed shouting. Students subsequently described the piteous yelps which filled the library. But all concluded that Professor Wenger, the head librarian, was administering discipline to his employees, and Motcha's cries went unheeded.

The second night, Motcha apparently realized the seriousness of the predicament: the gnawed books and briefcase in the carrel testify to incipient starvation. Law students are all starving anyway; and death soon overtook the hapless youth.

There is little known about the decedent. No identifying cards or marks were on the corpse; the student's identity was ascertained from books with the inscription "B. Motcha" and the mysterious word "Bortcha." Authorities were stumped, but it was reported that Motcha had been attending classes. The year will continue, but for one student, vacation has arrived, too soon.

The above story is not true; but if it were, it would not be the most bizarre result of the many small things about which law students and even faculty are

### Bulletin Board

**FACULTY:** you are requested to mimeo your assignments in advance and make them available for students, rather than having them posted on the postage stamp bulletin board provided. We thank you.

The Young Lawyers Section of the New York State Bar Association is planning a series of practical skills programs that will be of special interest to law

beginning to complain. Several doors in the library are in fact poorly constructed; students are advised to bring a screwdriver with them just in case.

Poor planning can be seen also in the elevators. That two elevators with a sardine capacity of about twelve Twiggys are deemed sufficient for a population of 700 students, 34 full-time faculty, plus staff and Economics Department members, is somewhat ludicrous. But to take those elevators and obstruct them with pillars, hide the controls and up/down lights, and instill them with a swift silence to elude the unwary, is sheer madness.

No less insane are the fancy water fountains which grace an obscure corner of each floor. Made of expensive brass, the fountains are beginning to turn green (to match students' stomachs). Nor are we happy with a refreshing drink of hot water between classes. Those who wish colder water must run to another obscure corner to the persons' room: but each sex must find the proper floor for its relief: men on even and women on odd floors.

But enough of the shortcomings of JLOB's interior, though we could rail against the lack of student lounge space, the pitiful allocation of vending machines and other food facilities, and the amazing "velocity noise" in room 210 which drove at least one professor to hold his classes elsewhere (we heard he moved to the No Name). Let's move outside.

There, an amazing sight fills our eyes. By day, a fearsome tangle of construction material, mud, and gravel; by night, a truly dangerous trap for even the most cautious. Here is the parking lot: lightless and lineless, it is difficult terrain 24 hours a day. (But really, folks, do you have to park three deep and sandwich in the middle guy?) Over there can be seen the path to the Governors' Residence Halls — but don't wear heels to class if you want to eat a hot lunch. In the distance can be spied the nondescript car of the

students and recent law graduates. To be held in the spring and fall of 1974, the program will consist of eight seminars devoted to basic knowledge and skills in a number of common areas of practice. Subjects to be covered include real estate; judgments and collections; pretrial preparation and trial practice; wills and estates; business law; and matrimonial practice.

friendly Amherst police officer, waiting to ticket the late student who ventures a left turn from Millersport — the natural entrance to O'Brien Hall.

We don't ask for much; we don't want overnight landscaping, nor will we request that airhammers not be operated inside the building during classes, or that classes no longer be temporarily shifted 200 yards away. But without parking lot lines and lights, and without highway lighting, accidents are inevitable.

*OPINION* will continue to spotlight the shortcomings — humorous and serious — of our new home. (I am reminded that first year students and third year students express a strong desire for faculty advisors: the one to stay in school, the other to get out.) Please address all comments to Bortcha Motcha, c/o *OPINION*.

## Alumni Line

by Earl Carrel

So far so good. One column down and only about ten more to go this year. Now that classes have started, I've finally had a chance to get out to O'Brien and look around. The last time I was out here was well before even Wade Newhouse knew when the Law School would be moving into its new quarters.

Frankly, I feel sort of strange not being downtown amid the drunks and evening garbage cans on Eagle Street. This is not to say that I miss those sights, because I certainly don't. Anyway, I'm downtown everyday, so this change is even nicer.

Most of the items in the Class Notes section are compiled reading the local newspapers. We'd like to hear from the rest of our Alumni. Not only those who live out-of-town, but those who have something to tell us and live in the Western New York area. Just send a note to *Alumni Line*.

In case we don't get a chance to say so, and we probably won't — best of luck to all of our Alumni who are running for various and sundry offices in the November elections. We'll try to acknowledge your successes in the mid-November issue.

Buffalo City Court Judge M. Dolores Denman, '65 is this year's Alumni Association president. In the next edition of the *Opinion*,

we'll bring a listing of the other officers and directors.

Along the line of Class Notes, the *Opinion* is particularly interested in the job situation of the Class of 1973. Last year's Seniors — where are you???

Frank C. Moore, '21, who was elected Kenmore Village Clerk while he was in Law School and then rose to New York State Comptroller, 1942-46; Lt. Governor of New York, 1950-53; Chairman of the State University Board of Trustees, 1948-65, and Chairman of the State Board of Equalization and Assessment since 1948 has retired from State government service at the age of 77.

H. Jarvis Turner, '50, a partner in the Buffalo firm of Church & Turner has been appointed an Administrative Law Judge with the Department of Health, Education, and Welfare. Judge Turner will work out of Southfield, Mich.

Frank R. Bayger, '51, a past president of the Law Alumni and Erie County Court Judge has been appointed to the New York State Supreme Court.

Alvin Glick, '52, and M. Robert Koren, '44, have been appointed to the Board of Trustees of the University at Buffalo Foundation, Inc.

Richard E. Clark, '73, is the new Warrant Clerk at Buffalo City Court.

Find out about the . . .

## NEW MARINO BAR REVIEW COURSE

New for 73-74  
complete with the all  
New Multi- volume set of the  
LIBRARY OF NEW YORK LAW

For more information contact:

William Reich 691-6672

Marty Miller 636-2143

834-4003

Students signing up now for the July Bar will be permitted to attend all lectures for the March Bar.